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Summary record of the 28th meeting

Held at Headquarters, New York, on Thursday, 12 November 1998, at 3 p.m.

Chairman: Mr. Enkhsaikhan (Mongolia)

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98-82343 (E)



The meeting was called to order at 3.15 p.m.

Agenda Item 155: Measures to eliminate international terrorism (continued) (A/C.6/53/9; A/C.6/53/L.4)

1. **Mr. Benítez Saénz** (Uruguay) said that his delegation fully endorsed the statement made by the representative of Panama on behalf of the Rio Group. His country had not been immune from the threat of terrorism; Uruguayan citizens had been victims of terrorist acts. His country had always rejected all practices of terrorism as a threat to human rights and democratic freedoms. International terrorism must be combated through international cooperation, especially the elaboration of draft norms that would enable States to prevent and eliminate terrorism in all its forms. His delegation reaffirmed its support for the regional declarations condemning terrorism, such as the Declaration of the Twelfth Summit of the Rio Group and the Lima Plan of Action. It was also looking forward to the special inter-American conference to be held in Argentina.

2. With regard to the draft International Convention for the Suppression of Acts of Nuclear Terrorism (A/C.6/53/L.4, annex I), his delegation endorsed the methodology adopted by the Working Group, which, rather than attempting to define terrorism, had sought to characterize with legal precision each form of conduct considered as a crime. The fruitless efforts made in the past to define terrorism showed that such an attempt would only slow down the Committee's work.

3. His delegation believed that acts of terrorism should not be regarded as political crimes and that their perpetrators should be liable to extradition. For that reason, it endorsed the provisions of draft article 13, paragraph 1. The text should also stipulate that the right of asylum should not be granted in respect of such offences. While his country had a long tradition of defending the right of asylum, his Government believed that asylum was not a right of the individual, but a right of the State to admit to its territory persons whom it deemed to be persecuted for political reasons. The consideration of asylum requests was mainly the province of the executive branch, while extradition requests fell mainly to the judicial branch. As the two branches of government were separate and independent, a conflict could arise if an extradition request was granted in respect of a terrorist criminal who had simultaneously been granted the right of asylum. His Government's approach was validated by the fact that concern had been expressed over the question of extradition and asylum in connection with terrorist offences by the countries represented at the Ministerial Conference on Terrorism held in Paris in July

1996 and at the summit meeting of the South American Common Market (MERCOSUR) held in that same year.

4. Lastly, his delegation expressed appreciation to France for proposing the text of a draft International Convention for the Suppression of Terrorist Financing (A/C.6/53/9, annex); that was an important issue which called for international cooperation.

5. **Mr. Bohalevs'ky** (Ukraine) said that the international efforts to combat terrorism required a more concentrated focus on the underlying causes of the phenomenon, its social roots and historical conditions, as well as on situations that might give rise to terrorism and endanger international peace and security. The roots of international terrorism were poverty, inequality and oppression, and eliminating those conditions would help to reduce the incidence of terrorist acts, at least those which were undertaken as a means of achieving political goals.

6. Terrorist attacks constituted a clear violation of the norms of international law. Their purpose was to undermine international stability and provoke another cycle of violence in international or inter-ethnic relations, thus providing further justification for political support of such crimes. The international community should not, under any circumstances, respond to injustice with further injustice in the name of combating terrorism. Whatever actions were undertaken at the international, regional or national levels must be in full conformity with the basic principles of international law and the provisions of the Charter of the United Nations.

7. In an increasingly interdependent world, the significance of the existing universal mechanisms, especially those established within the United Nations framework, could not be overestimated. In situations where enforcement measures must be taken, it was important not to minimize the role of the Security Council, whose decisions should serve as the legal basis for such measures.

8. His delegation commended the Ad Hoc Committee and the Working Group for their efforts leading to the elaboration of the draft International Convention for the Suppression of Acts of Nuclear Terrorism. The draft represented a reasonable compromise between the positions expressed by delegations during the negotiations. At the same time, there was considerable scope for improvement in article 4 of the revised draft text proposed by the Friends of the Chairman. The joint proposal submitted by Mexico, Switzerland and Ukraine could also constitute a basis for compromise.

9. His delegation expressed appreciation to France for its proposed draft International Convention for the Suppression of Terrorist Financing.

10. Lastly, his delegation again called upon all States which had not yet done so to ratify or accede to the Convention on the Safety of United Nations and Associated Personnel, which provided for the institution of criminal proceedings against individuals accused of attacking United Nations peacekeepers.

11. **Ms. Steinins** (Australia) said that her delegation fully supported the work of the Ad Hoc Committee and the Working Group. Her delegation had participated actively in the elaboration of the International Convention for the Suppression of Terrorist Bombings and had initiated the domestic procedures required for its signature.

12. Her Government welcomed the progress made in the drafting of the International Convention for the Suppression of Acts of Nuclear Terrorism. The draft Convention addressed the criminalization of acts by individuals involving the use, possession and manufacture of nuclear material and devices. Care had been taken in elaborating the definitions of nuclear materials within the text, drawing on the expert advice and assistance of the International Atomic Energy Agency (IAEA). The draft Convention also addressed sensitive issues relating to the return of nuclear material in a coherent and logical manner.

13. It would be highly regrettable if the progress made were lost through a reopening of discussion on the draft Convention. That would not be consistent with the sense of urgency expressed by the international community following the bombings in Dar es Salaam and Nairobi. At the same time, her delegation was aware of the concerns expressed by some delegations regarding certain provisions. While it was impossible to produce a text that would reflect the position of all delegations, her Government was of the view that the text proposed by the Working Group was balanced.

14. Several delegations had expressed concern regarding the scope of application of the draft Convention, as set forth in article 4. Her Government believed that the provision was balanced, as it established clearly that the draft Convention should not purport to legalize what would otherwise be illegal, and that therefore it was not intended to have an impact on wider nuclear non-proliferation issues being dealt with in other forums. While her delegation stood ready to discuss various issues, including the concerns expressed by the delegation of Zimbabwe on behalf of the Movement of Non-Aligned Countries at the 25th meeting of the Sixth Committee, it hoped that a spirit of cooperation would

prevail, so that those issues could be resolved at the current session of the Committee.

15. Australia welcomed the proposal by France for the elaboration of an International Convention for the Suppression of Terrorist Financing and supported the inclusion of the relevant item in the agenda of the Sixth Committee and the Ad Hoc Committee. The Ad Hoc Committee should consider how to build support for and participation in the existing instruments as a means of enhancing their effectiveness. Her country was a party to 9 of the 11 major anti-terrorism conventions and had encouraged countries in its region to become parties to them as well. Her Government had conducted training and seminars on the prevention of terrorism and had also provided Australian model legislation to some countries in the Asia-Pacific region.

16. **Mr. Kawamura** (Japan) commended the Chairman of the Ad Hoc Committee and the Friends of the Chairman for their efforts to find a compromise solution in the negotiations on the draft International Convention for the Suppression of Acts of Nuclear Terrorism. The text annexed to document A/C.6/53/L.4 was generally acceptable, and his delegation hoped that it would be adopted as soon as possible. While his Government understood that some delegations had reservations concerning the preambular paragraphs, Japan could endorse those provisions as drafted, because they were based on the preambular paragraphs of the International Convention for the Suppression of Terrorist Bombings.

17. As far as the definition of the terms "substantial damage to the environment", "nuclear facility" and "contribution" was concerned, his delegation believed that it would be for each Government to interpret them in a reasonable manner. It was his delegation's understanding that the term "substantial damage to the environment" did not refer to all kinds of damage to the environment, but to relatively substantial damage resulting in death, serious bodily injury or damage to property.

18. With regard to article 4 on the scope of application of the draft Convention, his delegation supported the Belgian proposal. The question of the scope of application had been discussed thoroughly during the negotiations on the International Convention for the Suppression of Terrorist Bombings, and reopening of the question would be counterproductive.

19. With regard to article 18 of the draft, it was his delegation's understanding that the term "prohibited by national law" included cases in which national law, while not prohibiting the export of the material in question,

restricted it in such a way that export was prohibited *de facto*. Moreover, although paragraph 2 stipulated that any nuclear material should be returned after consultations, that did not necessarily mean that there was an obligation to return such material if consultations failed and there was no agreement on modalities. It went without saying, however, that States should negotiate in good faith.

20. With regard to article 19, his delegation believed that it was appropriate to give IAEA a certain role to play because it already had a well established information network.

21. As to the French proposal concerning an International Convention for the Suppression of Terrorist Financing, his Government believed that it was important to establish a counter-terrorism legal network encompassing the international community as a whole. The importance of depriving criminals, including terrorists, of financing had been stressed by the international community in various forums. His Government supported the idea of a discussion in the Ad Hoc Committee of concrete measures aimed at suppressing the financing of terrorism once the draft International Convention for the Suppression of Acts of Nuclear Terrorism had been finalized. While supporting the basic approach underlying the French proposal, his delegation preferred to study it in detail and revert to the issue at the following session.

22. Lastly, his delegation expressed its reservations concerning the proposal made by several delegations for the elaboration of a comprehensive international convention on the suppression of terrorism. It was premature to take such a step before the necessity and feasibility of such a convention had been thoroughly explored.

23. **Ms. Eugene** (Haiti) said that her delegation condemned the bombings carried out simultaneously against Kenya and Tanzania in August 1998, as well as the recent attack in Israel in which two people had been killed and many others wounded. In order to eliminate impunity for terrorists, terrorism should be included within the jurisdiction of the International Criminal Court.

24. Her delegation wished to thank the Russian Federation for submitting its draft International Convention for the Suppression of Acts of Nuclear Terrorism, and noted with satisfaction the achievements of the Ad Hoc Committee established under General Assembly resolution 51/210 to elaborate the Convention. Haiti supported those delegations which had suggested that the draft Convention should include a prohibition against the dumping of toxic wastes in less developed countries. Her delegation also supported the

French proposal concerning a draft International Convention for the Suppression of Terrorist Financing.

25. **Ms. Simbrao de Carvalho** (Angola) said that her delegation endorsed the statement made by the delegation of Zimbabwe on behalf of the non-aligned countries.

26. Terrorism jeopardized the security and stability of Governments. Some countries legitimized acts of terror by helping and protecting groups that undertook terrorist activities against other countries, including their countries of origin. The problem resided in the fact that those countries gave support to terrorist activities instead of taking measures to prevent and neutralize such military actions, thus violating the principle of non-interference in the internal affairs of other States. That interference gave rise to State terrorism, one of the most harmful forms of terrorism. Angola was taking steps to accede to the main conventions on the subject.

27. Her delegation supported the French proposal concerning the draft International Convention for the Suppression of Terrorist Financing, as well as the draft International Convention for the Suppression of Acts of Nuclear Terrorism. There was also a need for a global convention to fight the scourge of terrorism in its multifaceted transnational dimension.

28. **Mr. Obeid** (Syrian Arab Republic) reaffirmed his country's condemnation of all forms of terrorism and reminded the Committee of its consistent call for a clear and precise definition of the concept that established a distinction between terrorism and the legitimate national struggle against foreign occupation and control, which deserved support. As a country whose territory was partially occupied, the Syrian Arab Republic was not only a victim of terrorism, but was further intimidated by Israel's possession of nuclear weapons, which, moreover, threatened regional peace and security. Arabs and the Palestinian people in particular had a legitimate right to defend their occupied territory by means of force.

29. He fully supported the statement made by the Zimbabwean representative on behalf of the States of the Movement of Non-Aligned Countries, as well as the call of the recent Conference of Heads of State or Government of the Movement of Non-Aligned Countries, held in Durban, for the convening of an international conference to define terrorism and discuss its causes. Although the draft International Convention for the Suppression of Acts of Nuclear Terrorism was a step forward, it fell short of its goal because it was limited to acts perpetrated by individuals, while excluding nuclear terrorism perpetrated by States, as it was doubtful whether ordinary individuals could perpetrate

such acts without State support. Together with countries from other groups, the delegations of countries belonging to the Non-Aligned Movement had clearly expressed their concern and reservations over some of the wording contained in the draft Convention. The Ad Hoc Committee should therefore be given a further opportunity in the near future to conduct a final revision of the articles concerned, including the draft preambular paragraphs. In particular, a more flexible attitude should be adopted concerning the deletion of article 4, paragraph 2. Article 4, paragraph 3, the final preambular paragraph and article 1, subparagraph 6, should also be deleted. Bearing in mind that the final Convention should not serve as a cover to legitimize State terrorism, he hoped that the difficulties concerning article 4 would be resolved in a conciliatory fashion.

30. As insufficient time had been allocated for the examination of significant proposals submitted by various delegations, including his own, the draft Convention failed to address the concerns of all States; its title and the word "terrorism" were undefined, for example, and the scope of terrorism was similarly undetermined. The draft should therefore be referred back to the Ad Hoc Committee, particularly since the Sixth Committee would be continuing its work on the subject in 1999 and since every effort should be made to avoid jeopardizing the universality of a convention dealing with an important subject by subjecting it to a vote or to over-hasty adoption. In that connection, the number of ratifications required should be high enough to represent the membership of the United Nations. A reference should also be made to the 1996 advisory opinion of the International Court of Justice and emphasis laid on the fact that the use or threat of use of nuclear weapons was internationally prohibited, as it was inconsistent to criminalize nuclear terrorism without also criminalizing the use or threat of use of the most dangerous weapon of mass destruction.

31. The problem of terrorism was worsening, particularly in view of the unfounded accusations of terrorism that were made against some States and perpetuated by organized media or political campaigns aimed at serving the purposes of the interested parties. The new form of terrorism was intellectual terrorism, whereby peoples and individuals alike were deprived of their freedoms and rights and classified as terrorists if they showed any sign of protest. The Palestinian people could not be categorized as terrorists for defending their territory and themselves against occupation. Similarly, the Lebanese resistance in southern Lebanon, which had been occupied since the Israeli invasion in 1987, was perfectly legitimate. Conversely, the Israeli occupation of the Syrian Golan since 1967 was a terrorist act and persistent

crime. His country vehemently rejected all forms of terrorism, in particular the Israeli terrorism practised in all of the Arab territories which it occupied. Having described the manifestations of that terrorism, he asked why the measures applied to others were not applied to Israel in order to force its withdrawal from those occupied territories. Peoples had a legitimate right to wage a struggle against occupation and for their right to self-determination. International public opinion was therefore misled when legitimate resistance against foreign occupation was portrayed as terrorism. Moreover, no respectable State failed to punish terrorism and its perpetrators under its laws, yet the concept of terrorism was used as a political tool against States which did not yield to certain policies.

32. His country had acceded to several of the international instruments on terrorism and had actively participated in the negotiations concerning the Arab Convention on the Suppression of Terrorism, which it had signed in April 1998. Criminal acts of terrorism were also heavily punished under its internal law, which even provided for the death penalty in that regard.

33. He looked forward to a better world of international peace and security that was free of tension and violence, with particular reference to the Arab region, where he hoped for the establishment of a just and lasting peace. Having drawn attention to the relevant United Nations resolutions on terrorism, he expressed surprise at the apparent reluctance of some delegations to set a specific date for the Ad Hoc Committee to begin work on elaborating a comprehensive convention for combating terrorism. The international community had repeatedly demonstrated its ability to overcome the difficulties involved in the task of elaborating international conventions. He therefore saw no cause for the doubts expressed in the Committee and hoped that real work on the subject would commence in earnest.

34. **Ms. Efrat-Smlig** (Israel), speaking in exercise of the right of reply, said that she wished to refer to the statement made by the representative of Syria. Israel had stated time and again that it would not be the first country to introduce nuclear weapons into the Middle East.

35. With regard to her country's relations with the Palestinians, Israel sincerely believed that peace and terror could not be reconciled, and had paid for peace with tangible assets, not just with words. The Wye River Memorandum signed by Israel and the Palestinians on 23 October 1998 reflected the understanding of both sides that it was in their vital interest to combat terrorism. The Palestinians had undertaken to make known their policy of zero tolerance of terror and violence against both sides, to implement a

detailed work plan to combat terrorist organizations and their infrastructure, to apprehend individuals suspected of perpetrating acts of violence and terror, to prevent the import and manufacture of illegal weapons, to confiscate all such illegal weapons, and to prevent incitement to violence or terror by enacting the necessary legislation to criminalize such acts. Those undertakings were part of the signed memorandum which had been adopted by the Israeli Government on 11 November 1998. Her Government intended to fulfil its own undertakings, and expected the other party to do the same.

36. Concerning her country's relations with Syria, she said that Israel had started negotiations in the framework of the Madrid process, and urged Syria to resume those direct bilateral peace negotiations on the basis of the agreed Madrid formula with no prior conditions.

37. **Mr. Obeid** (Syria), speaking in exercise of the right of reply, said that the representative of Israel had avoided replying to the most important element in his statement, concerning the occupation by Israel of Arab territories. Israel acted as though it was granting the land under discussion, ignoring the fact that it had occupied the whole territory by force. As a result of intensive efforts, Israel had agreed to give up a small part of the territory it had occupied, but what about the rest of the territories?

38. With regard to the Syria-Israel negotiations based on the principle of land for peace, Syria had started those negotiations with good will, but they had come to a standstill on account of Israel. Syria had not refused to continue the negotiations, but merely insisted that they should resume at the point where they had ended. It was not right that at every round, the negotiations should return to square one. Israel must implement the relevant United Nations resolutions; respect international law and return the land to its lawful owners.

39. **Ms. Efrat-Smlig** (Israel), speaking in exercise of the right of reply, said that the representative of Syria should stick to the facts; the fact was that Israel had worked for peace. Israel had not occupied the territories in the first place because it wanted to occupy territories, but because it had been attacked. Israel had given tangible assets and taken risks for the sake of peace. Her Government had just completed an agreement with the Palestinians; it was always ready to negotiate with the Syrians without preconditions, based on Security Council resolutions 242 (1967) and 338 (1973). Israel had done everything possible to negotiate and to reach agreement with its neighbours. It hoped that its neighbours would do the same.

40. **Mr. Obeid** (Syria), speaking in exercise of the right of reply, said he wished to reiterate that Syria was ready to

resume negotiations with Israel from the point where they had ended. If Israel wanted to have credibility, it must respect the commitments undertaken during the previous negotiations – by previous Governments – and not constantly insist on renegotiating from square one. Otherwise, each Government could rule out the agreements reached by previous Governments, and no one would be able to trust the pledges made and commitments undertaken by those Governments.

41. The representative of Israel had said that Israel would not be the first country to use nuclear weapons in the region. In fact, Israel was the only country in the region which possessed nuclear weapons and the only one that had not become a party to the relevant conventions. Israel had refused to allow inspection of its facilities by the International Atomic Energy Agency and represented a threat to neighbouring countries, as well as to the peace and security of the whole region. Moreover, Israel had a long history of perpetrating terrorist attacks and massacres.

42. **The Chairman**, summing up the debate on agenda item 155, said that he wished to conclude the debate on a positive note by pointing out that there had been broad recognition of the need to build support for and participate in the existing instruments dealing with specific forms of terrorism, as noted at the current meeting by the representative of Australia.

43. The Committee also had before it a new proposal from France, for which there was emerging support, on the elaboration of an International Convention for the Suppression of Terrorist Financing. The Committee had also duly noted the views of a considerable number of States favouring a comprehensive approach to the question, as proposed by India. The two approaches were not incompatible.

Agenda item 154: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
(continued) (A/53/33, A/C.6/53/L.6/Rev.1)

44. **Mr. Goma** (Egypt), introducing draft resolution A/C.6/53/L.6/Rev.1, read out the changes and additions that had been made in the draft, most of which merely reflected factual situations and were not intended to change substantive issues which had enjoyed consensus over the years. With regard to operative paragraph 3, there was still no agreement on the duration of the Special Committee's session. Consultations on the matter would continue, but it seemed that most delegations wished the Special Committee to meet for two weeks, as it had in the past.

The meeting rose at 4:55 p.m.

**General Assembly**

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Sixth Committee**Summary record of the 29th meeting**

Held at Headquarters, New York, on Friday, 13 November 1998, at 3 p.m.

Chairman: Mr. Enkhsaikhan (Mongolia)**Contents**

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98-82367 (E)



The meeting was called to order at 3.15 p.m.

Agenda item 146: Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts (A/53/287)

1. **Mr. al-Akwaa** (Yemen) said it was regrettable that, in many parts of a strife-torn world, the principles of humanitarian law were violated on an almost daily basis. Among the worst such violations were those occurring in the occupied Arab territories as a result of Israeli practices, which were crimes under international humanitarian law for which the perpetrators should be held legally accountable and punished. With a view to avoiding civilian suffering, peaceful means should always be used to find just, comprehensive and lasting solutions to conflicts among States. In that context, he wished to know why United Nations resolutions had not been implemented to solve the Palestinian problem and end the Israeli occupation of southern Lebanon and the Syrian Golan. In the light of the agreements concluded between the Palestinian Authority and the Government of Israel, the latter country should surrender to the will of the international community calling for a just, comprehensive and lasting solution, particularly since it was not in Israel's long-term interest to pursue its hostility towards its Arab neighbours.

2. He urged States to recognize the competence of the International Fact-Finding Commission established pursuant to Additional Protocol I commended the efforts of the International Committees of the Red Cross and the Red Crescent to alleviate the suffering of civilians who were victims of foreign occupation and armed conflict, and endorsed the recommendations and decisions which had emerged from their twenty-sixth conference. He also supported the resolutions adopted at the tenth emergency special session of the General Assembly and looked forward to participating actively in the proposed conference on measures to enforce the fourth Geneva Convention of 1949 in the Occupied Palestinian Territory, including Jerusalem.

3. **Mr. Park Hee-kwon** (Republic of Korea) said that the Geneva Conventions of 1949 and their Additional Protocols had contributed effectively to diminishing the impact of the world's armed conflicts. However, in view of the increase in intra-State violence and tension following the end of the cold war and the threat thus posed to international peace and security, it was particularly important to review the status of the Additional Protocols. He urged States which had not yet done so to accede to the Conventions and the Additional Protocols as soon as possible with a view to securing universal acceptance and application of the norms of

international humanitarian law. In that connection, although encouraged by the increased number of States Parties to the Additional Protocols, he noted that their provisions had not yet been fully implemented and had also been frequently violated as conflicts escalated. The States Parties should therefore promote wider dissemination and more effective implementation of the norms of international humanitarian law at the domestic level, while also strengthening the monitoring mechanisms of the Protocols and other rules of humanitarian law at the international level; the establishment of the International Tribunals for Rwanda and the former Yugoslavia were an important step forward in that connection. The same applied to the adoption of the Rome Statute of the International Criminal Court, as the Court would serve as an effective guarantor of the provisions of the Additional Protocols. His Government would continue to play an active and constructive role in the work of the Preparatory Commission for the Court. Given its own war experiences and its consequent attachment to the development of international humanitarian law, it had also promoted at the domestic level the dissemination of such law, including the Additional Protocols, which, as an original signatory, it had implemented in good faith. Moreover, its military personnel who participated in United Nations peacekeeping operations were specially trained to respect the provisions of humanitarian law. In conclusion, he reiterated his Government's willingness to cooperate fully with the international community with a view to the progressive development and wide dissemination of the two Additional Protocols.

4. **Mr. Tarabrin** (Russian Federation) said that in an era when it had become commonplace to hear of highly refined methods of killing, of the barbaric treatment of prisoners, the wounded or the civilian population and of hostage-taking, mass deportations and desecration of the dead, the time had come to mobilize the enormous potential of international legal measures to protect the victims of armed conflict and narrow the boundaries of what was permissible in the waging of war. An important step in that direction had been taken by the establishment of the International Criminal Court, which would be competent to try crimes against humanity and war crimes.

5. In his country there had been substantial progress in recent years in the process of incorporating international humanitarian law, and particularly the Protocols Additional to the Geneva Conventions, into domestic legislation. A provision had been added to the Criminal Code, outlawing the harsh treatment of prisoners of war, the deportation of the civilian population and the plundering of occupied territory. The recruitment, training or financing of

mercenaries, or their use in armed conflict, had also been made illegal. In line with article 47 of Protocol I, therefore, a mercenary could not enjoy the status of a combatant and was committing a criminal offence. On the basis of articles 55 and 56, the mass destruction of vegetation or animals, the pollution of the atmosphere or water resources and any activity liable to cause an environmental disaster were also punishable offences.

6. In line with article 81 a presidential decree on government assistance for the Russian Red Cross Society had been adopted and a law on the Society's status was being drafted. Discussions were also taking place on establishing an interdepartmental commission on the further incorporation of international humanitarian law into Russian legislation. In accordance with its traditions, the Russian Federation deemed it a duty to support any move to protect the victims of conflicts, whether international or internal. His delegation therefore called on Governments that had not yet done so to ratify the Additional Protocols and thus contribute to the further strengthening of international humanitarian law.

7. **Mr. Politi (Italy)** said that he wished to reiterate his country's commitment to promoting the widest acceptance of international humanitarian law as codified by the Geneva Conventions of 1949 and their Additional Protocols. In view of the importance of universal adherence to the principles and provisions of international humanitarian law which they embodied, he was pleased to note the clear trend towards their universal acceptance and urged those States which had not yet ratified the Protocols or accepted the competence of the International Fact-Finding Commission to do so.

8. In the light of the recent grave and systematic breaches of humanitarian law it was essential to devise effective mechanisms to prevent such breaches and bring the perpetrators to justice. In that context, the recent adoption of the Rome Statute of the International Criminal Court represented a historic achievement. The Court would undoubtedly help to deter future breaches of international humanitarian law and ensure that those responsible for such crimes would not escape with impunity. He emphasized the significant role of the International Committee of the Red Cross (ICRC) in protecting the victims of armed conflicts, as well as in promoting and disseminating awareness and application of international humanitarian law. He particularly welcomed the activities of the ICRC Advisory Service in supporting efforts by States to implement such law in their domestic legal systems and in facilitating the exchange of information between Governments in that regard. He also welcomed the first periodic meeting of States parties to the Geneva Conventions of 1949, convened in

January 1998 by their depositary, to consider general problems regarding the application of international humanitarian law.

9. **Mr. Goma (Egypt)** said that his country attached special importance to the provisions of the Additional Protocols, particularly those of Protocol I, which significantly complemented the system of international humanitarian law. There was general international recognition that the Geneva Conventions and their Additional Protocols were applicable to the occupied Palestinian territories; that being so, the meeting of States parties to the Conventions convened by their depositary to consider general problems regarding the application of international humanitarian law, although important, was not a substitute for the conference on measures to enforce the fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, which had been recommended by the tenth emergency special session of the General Assembly. His delegation attached great importance to that conference, in which connection he drew attention to article 7 of Additional Protocol I concerning requests for the convening of a conference of the States parties.

10. **Mr. Kachurenko (Ukraine)** said that it was incumbent on the international community to find adequate remedies for the growing and dangerous phenomenon of intra-State conflicts. Efficient international mechanisms were also required to ensure the prosecution and suppression of heinous military crimes, which threatened international peace and security. In that connection, attention should be focused on the regrettable failure to implement duly the provisions of international humanitarian law. It was therefore essential to seek wider dissemination and more effective implementation of the Additional Protocols with a view to attenuating the consequences of internal armed conflicts and strengthening the practical value of the relevant legal regime. It was to be hoped that States which had not yet done so would ratify the Additional Protocols and also recognize the competence of the International Fact-Finding Commission, whose purpose was not only to establish the facts but also to restore respect for humanitarian law in general and protect the legitimate interests of war victims. He fully supported the role of ICRC in offering such protection and reaffirmed his strong commitment to consolidating existing international humanitarian law and ensuring effective implementation of the applicable norms at all levels.

11. **Ms. Nasser (Observer for Palestine)** said that the Additional Protocols represented a valuable and needed addition to international humanitarian law, particularly as they filled small gaps in the four Geneva Conventions of

1949. She emphasized that according to article 1, paragraph 4, the situations to which Protocol I applied included armed conflicts in which peoples were fighting against colonial domination and alien occupation. She was pleased to note that according to the Secretary-General's report (A/53/287), 153 States were currently parties to the Additional Protocols, which was a step towards achieving their universality, although nine of those States were parties to Protocol I only, and two were parties to Protocol II only. Observing that according to note (a) to the annex to the Secretary-General's report the Government of Switzerland, depositary of the Protocols, had declared that it was not in a position to settle the question of Palestine's accession to the Geneva Conventions and their Additional Protocols, she said that Israel's failure to accede to the Additional Protocols was all the more unfortunate because it was the only High Contracting Party designated by the Security Council as an occupying Power.

12. Although objecting to the Swiss formulation for its participation, Palestine had nevertheless participated as an observer in the recent meeting convened by Switzerland as the depositary to consider general problems concerning the application of the Convention in general and in occupied territories in particular. Despite the usefulness of that meeting, however, its exact relationship with the resolutions adopted at the tenth emergency special session of the General Assembly was ambiguous, as was the precise outcome of the meeting, which its chairman had not yet submitted to the High Contracting Parties or the Secretary-General of the United Nations. She stressed the crucial importance of implementing the recommendations of the tenth emergency special session concerning the convening of a conference on measures to enforce the fourth Geneva Convention in the Occupied Palestinian Territory, including Jerusalem, and to ensure its respect in accordance with common article 1, and remained confident that the depositary would do its part in that connection.

13. **Mr. Zahnd** (Observer for the International Committee of the Red Cross (ICRC)) said that the Protocols Additional to the Geneva Conventions were still relevant, since civilians continued to be the main victims in war. It was therefore, unfortunately, still vital for States to treat international humanitarian law as a priority. It was encouraging that since the General Assembly's most recent debate on the issue six more States had ratified the Additional Protocols and others were considering doing so. It was essential that the Protocols should acquire the same universality as the Conventions themselves. ICRC also appealed to States that had not yet done so to accept the competence of the International Fact-

Finding Commission provided for in article 90 of Protocol I. To date, only 53 States had done so.

14. Having ratified the Additional Protocols, States must translate their undertaking into practice at the national level, in particular by adopting criminal legislation relating to those who committed serious violations. Misuse of the Red Cross or Red Crescent emblem must be eliminated. In addition, there was an urgent need to promote knowledge of the rules of humanitarian law among all those who carried weapons.

15. He welcomed the growing degree of cooperation between ICRC and national parliaments and parliamentary organizations. In that context he recalled that ICRC Advisory Service could provide States with legal advice and technical documentation, as well as facilitating the exchange of information between States. The first periodical meeting of the States Parties to the Geneva Conventions on general problems concerning the application of international humanitarian law had been held in January 1998, and the Swiss Government had recently invited all States Parties to the fourth Geneva Convention to a meeting of experts to discuss general problems relating to its application.

16. ICRC felt that it would be desirable for the agenda item not to be confined to the Additional Protocols but expanded to include humanitarian law in general. That would make it possible to include deliberations on other important treaties, such as the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and the 1980 Convention on Certain Conventional Weapons, including its Protocols on Mines and Blinding Laser Weapons. The Secretary-General's report could then include information on the steps that States had taken to render humanitarian law more effective. Such a review, following the end of the United Nations Decade of International Law, would enable States to retain a forum for the discussion of ways to improve protection for the victims of war.

Agenda item 153: Establishment of an international criminal court (continued) (A/C.6/53/L.9)

17. **The Chairman**, referring to draft resolution A/C.6/53/L.9, said that, mindful of the fact that some States had not attended the Diplomatic Conference of Plenipotentiaries and others had voted against the establishment of an international criminal court, the Bureau had taken pains to draft a text, with contributions from many delegations, that would be consensual.

18. **Mr. Verweij** (Netherlands), Vice-Chairman, introducing the draft resolution, said that the following dates

were proposed for the meetings of the Preparatory Commission, mentioned in paragraph 4: 16–26 February 1999, 26 July–13 August 1999 and 29 November–17 December 1999. Some might have preferred the wording of the text to be stronger, but as it currently stood it was acceptable to all.

Agenda item 149: United Nations Decade of International Law

- (b) Progress in the action dedicated to the 1999 centennial of the first international peace conference and to the closing of the United Nations decade of international law (*continued*)**
(A/C.6/53/L.12)

19. Mr. Panevkin (Russian Federation), introducing draft resolution A/C.6/53/L.12, drew attention also to documents A/C.6/53/10 and 11, which should be read in conjunction with it. Delegations would be given some time to study the proposals but he hoped that they would find that the draft resolution paid its dues to both the past and the future.

The meeting rose at 4.20 p.m.



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Chairman: Mr. Enkhsaikhan (Mongolia)

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Agenda item 147: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

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The meeting was called to order at 10.15 a.m.

Agenda item 147: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives (A/53/276 and Corr.1, A/C.6/53/L.11)

1. **Mr. Tejeira** (Panama), speaking on behalf of the Rio Group, said that the item under consideration was a very timely one, particularly in view of the recent attacks on diplomatic missions in several parts of the world. The member States of the Rio Group condemned those attacks as well as all acts of violence against diplomatic and consular missions and representatives, wherever and by whomever they might be perpetrated. Several international instruments on the protection of diplomatic and consular representatives and missions were already in force, and international law included principles and norms in that regard. States must meet the obligations they had undertaken. The purpose of diplomatic privileges and immunities was to enable diplomatic and consular representatives to perform their duties effectively and without hindrance. They, in turn, must refrain from abusing their privileges and immunities and must strictly obey the laws of the receiving State.

2. **Mr. Eliassen** (Norway), speaking on behalf of the five Nordic countries, recalled that those countries had proposed the inclusion of the item under consideration in the agenda of the General Assembly 18 years before. The protection of representatives of States was a necessary component of the system of international communication and cooperation. Whereas sending States were entitled to the best possible protection of their representatives, those representatives had the duty to respect the laws and regulations of the receiving States.

3. The Nordic countries were deeply concerned by recent incidents, including the bombing of the United States embassies in Kenya and the United Republic of Tanzania and the murder of Iranian consular personnel in Afghanistan. They strongly condemned those and other acts of violence against diplomatic and consular representatives, as well as against representatives and officials of intergovernmental organizations.

4. The Nordic countries wished to emphasize once again the need for close cooperation between sending and receiving States in protecting diplomatic and consular missions and their personnel. Furthermore, they appealed to all States that had not yet done so to become parties to the relevant international legal instruments. The Nordic

countries would like once more to draw the attention of delegations to the procedures for reporting violations of the protection of diplomatic and consular premises and personnel, the guidelines for which were contained in the relevant General Assembly resolutions.

5. **Mr. Herndl** (Austria), speaking on behalf of the European Union, the associated countries Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia and Slovenia, and, in addition, Iceland and Liechtenstein, said that the topic under consideration not only addressed the effective conduct of diplomatic and consular relations, but was also relevant to relations between States in general. The privileges and immunities of diplomatic and consular missions and personnel were not intended for personal benefit, but were granted to ensure that diplomatic and consular functions could be exercised without hindrance so as to facilitate normal exchanges between States over a wide range of subjects. The European Union was committed to upholding the obligation to guarantee in practice the privileges and immunities recognized in general international law and provided for in international agreements. It welcomed further efforts, particularly through international cooperation, to ensure that the right to adequate protection, security and safety, as well as the other rights and immunities were in fact enjoyed.

6. Paragraph 3 of General Assembly resolution 51/156 was a reminder to all Governments of their binding obligation to provide adequate protection to foreign missions and representatives. While the report of the Secretary-General (A/53/276 and Corr.1) listed only one serious incident reported by a Government, that did not necessarily mean that the overall situation worldwide had improved. In fact, the number and gravity of violent incidents involving foreign diplomatic personnel and premises had increased, taking a growing toll of human lives. The barbaric bombing of the United States embassies in Kenya and the United Republic of Tanzania and the cold-blooded murder of Iranian diplomats in Afghanistan were a vivid reminder of a deteriorating situation. He would like, on behalf of the European Union, to convey condolences to the families of those who had died and to those who had been injured as a result of such heinous activities directed against the personnel of diplomatic and consular missions. In that connection, he wished to express the appreciation and support of the European Union to the Governments concerned for their efforts to bring the perpetrators to justice.

7. He wished to refer to the useful tables on ratification of and accession or succession to the relevant multilateral agreements contained in the report of the Secretary-General.

The European Union had taken note with interest of that information, which showed that the main conventions were experiencing a fairly high degree of ratification. However, as universal acceptance of the rules contained in those instruments was the common goal of the international community, the European Union hoped that more States would become parties to them. In that respect, the European Union was of the view that accession to and observance of the provisions of those instruments by the international community should lead to significant improvements in the safety of diplomatic premises and, more importantly, in the safety of human beings, mainly diplomatic and consular personnel and their families.

8. **Ms. Baykal** (Turkey) said that her Government condemned the attacks against the United States embassies in Kenya and the United Republic of Tanzania as well as the killing of Iranian diplomats and United Nations officials in Afghanistan in the area under Taliban control. Turkey had been one of the sponsors of Security Council resolution 1193 (1998) condemning those attacks in Afghanistan.

9. A number of Turkish diplomatic and consular missions and representatives had been victims of terrorism, and many ranking diplomats, including ambassadors, had lost their lives to vicious attacks by terrorist organizations in certain countries. In the past two years, attacks against Turkish diplomatic and consular missions had continued; that showed that the protection provided by some States to Turkish missions and representatives was inadequate and was not commensurate with the threat posed by terrorism. She pointed out that under General Assembly resolution 42/154, States in which violations of the protection, security and safety of diplomatic and consular missions and representatives occurred had the obligation to report to the Secretary-General as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender and to report on measures adopted with a view to preventing a repetition of such violations. Whenever Turkey had been a victim of such attacks or whenever an attack had occurred in its territory, her Government had always reported the incident to the Secretary-General; however, it usually had not received a satisfactory reply from the State where the violation had taken place. All States must take very seriously the obligations they had undertaken not only under General Assembly resolutions, but also under international law, particularly the Vienna Convention on Diplomatic Relations, the Vienna Convention on Consular Relations and the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including

Diplomatic Agents. Turkey was a party to all those instruments and fully abided by their provisions. Apart from their legal obligations, States were required to protect diplomatic and consular missions and representatives in their territory for the maintenance of normal and peaceful international relations, which were necessary for cooperation among States. Her delegation appealed to all States parties of the aforementioned conventions to adopt all necessary measures to protect the safety and security of the diplomatic and consular missions in their territories. Moreover, in order to combat successfully violent acts of terrorism against diplomatic and consular missions and representatives, all States should refrain from treating such cowardly acts selectively on the basis of narrow policy considerations.

10. **Mr. Hosseini** (Islamic Republic of Iran) said that the inviolability of the premises of diplomatic and consular missions and their representatives was a generally accepted principle of international law which had been observed for centuries in relations among nations. That principle was established in the two Vienna Conventions on diplomatic and consular relations of 1961 and 1963 and in the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, as well as in several General Assembly resolutions.

11. On 8 August 1998, the Taliban forces, continuing their military campaign in Afghanistan, had attacked the city of Mazar-e-Sharif, shot their way into the premises of the Consulate-General of the Islamic Republic of Iran, seized the premises and murdered all members of the Consulate staff and a journalist who was present on the scene. That barbaric action had been condemned by every Government throughout the world and by the Secretary-General of the United Nations as a blatant violation of fundamental principles and norms of international law. The Security Council had also condemned the seizure of the Iranian Consulate-General in Mazar-e-Sharif and the massacre of Iranian diplomats and the journalist as a heinous crime violating international norms and principles. Furthermore, Taliban forces had attacked and destroyed the Consulate-General of the Islamic Republic of Iran in Bamian in mid-September. Taliban leaders had yet to heed the demand of the international community and the call by the Security Council to apprehend the perpetrators of those outrageous crimes, with a view to bringing them to justice.

12. The premises of the Iranian Consulate-General in Mazar-e-Sharif was still occupied by Taliban forces, and there was no information on their condition. Iran held the Taliban leadership fully responsible for the seizure of its Consulate-General, the massacre of its diplomats and the

damage caused to its property. His Government expected the Secretary-General and the Security Council to expedite the dispatch of an international mission of inquiry to Afghanistan with a view to taking appropriate measures for bringing the perpetrators to justice.

13. Similarly, Iran condemned all acts of violence against diplomatic and consular missions and representatives as well as against the personnel of international organizations, wherever and by whomever they were committed, including the bombing of diplomatic missions in Kenya and the United Republic of Tanzania and the killing of United Nations personnel in Afghanistan.

14. It was clear that acts of violence against diplomatic and consular missions and representatives continued to be a major threat to the normal conduct of relations among nations. There was every reason for the item to remain on the agenda of the General Assembly. States should continue to report to the Secretary-General acts of violence against diplomatic and consular missions as required by General Assembly resolution 42/154.

15. **Mrs. Lehtu** (Finland) introduced draft resolution A/C.6/53/L.11, which reflected the commitment of Member States to prevent violations of the security and safety of diplomatic missions and representatives. It was based on the relevant resolutions adopted over the years by the General Assembly on the agenda item under consideration. Most of the draft resolution followed the language of resolution 51/156, reflecting in general terms the continued concern of Member States at the occurrence of violations. Current events had also been taken into account in the formulation of the resolution. The new elements, which were to be found in the fifth and sixth preambular paragraphs and in operative paragraphs 3 and 5, reflected the recent acts of violence against members of the diplomatic community. The sponsors hoped that the draft resolution, which addressed an issue of great importance to all Governments, would be adopted without a vote.

The meeting rose at 10.55 a.m.